



Docket No. 217865US0PCT

IN RE APPLICATION OF: Haruji SAWADA, et al

SERIAL NO: 10/031,569

FILED: January 22, 2002

FOR: CHOLESTEROL-LOWERING AGENTS, SECONDARY BILE ACID PRODUCTION INHIBITORS AND FOODS AND DRINKS

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Transmitted herewith is an election, response to restriction requirement and supplemental amendment in the above-identified application.

- No additional fee is required
- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- Additional documents filed herewith: Request for Extension of Time (one month)

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	32	MINUS	37	0	x \$18 =	\$0.00
INDEPENDENT	4	MINUS	11	0	x \$86 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$290 =	\$0.00
						TOTAL OF ABOVE CALCULATIONS \$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
						TOTAL \$0.00

- A check in the amount of \$0.00 is attached.
- Credit card payment form is attached to cover the fees in the amount of \$110.00
- Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

HARUJI SAWADA, ET AL. : EXAMINER: LILLING, H.

SERIAL NO: 10/031,569 :

FILED: JANUARY 22, 2002 : GROUP ART UNIT: 1651

FOR: CHOLESTEROL-LOWERING
AGENTS, SECONDARY BILE ACID
PRODUCTION INHIBITORS AND FOODS
AND DRINKS

ELECTION, RESPONSE TO RESTRICTION REQUIREMENT & SUPPLEMENTAL
AMENDMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction/Lack of Unity Requirement dated May 20, 2004, the Applicants elect with traverse, **Group B**. The traverse is on the grounds that the Examiner has not shown that the claims of Groups A, B and C do not share a special technical feature of being directed to products which lower cholesterol and which contain the yeast *Kluyveromyces*. Moreover, in view of these shared special technical features, the Applicants submit that no undue burden would be imposed on the Examiner to complete the examination of Groups A, B and C together.

To facilitate the rejoinder of Groups A, B and C, the Applicants present the following amendment.

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 8.